

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 are presently active; Claims 7-15 having been withdrawn by a Restriction Requirement, and Claims 1, 2, and 5 having been amended by way of the present amendment. No new matter has been added.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Seligson (U.S. Pat. No. 3,116,366). Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seligson in view of Papopoulos (U.S. Pat. No. 6,681,020). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seligson in view of Papopoulos and further in view of Weber (U.S. Pat. No. 4,491,972). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seligson in view of Papopoulos and further in view of Takada (U.S. Pat. No. 4,255,716). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seligson in view of Papopoulos and further in view of Van Der Plaats (U.S. Pat. No. 3,810,032). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seligson in view of Papopoulos and further in view of Akino (U.S. Pat. No. 6,453,048).

Firstly, Applicant acknowledges with appreciation the courtesy of Examiner Lao and Primary Examiner Nguyen to conduct an interview for this case on February 10, 2005. During the interview, the issues identified in the outstanding Office Action were discussed as substantially summarized herein. Applicant's representative pointed out differences between the Applicant's microphone unit and the microphone shown in Seligson. The microphone unit of the present invention includes an external capacitor (illustrated for example in Applicant's Figure 1 by component CX). The external capacitor has a first electrode to which an output of the amplifier is applied through at least one operational amplifier

(illustrated for example in Applicant's Figure 1 by components OP1 and OP2), and the external capacitor has a second electrode connected to the first electrode of the electret capacitor off ground.

As pointed out during the interview, none of the applied references show an output of the amplifier (e.g., the amplified voltage from transistor amplifier T1) connected to an external capacitor through at least one operational amplifier. The capacitor identified in the outstanding Office Action as an external capacitor in Seligson (i.e. component 15) is connected directly to the output with no intervening amplifiers. Furthermore, capacitor 37 which might possibly be construed as an external capacitor is connected in parallel with (and not through) the second stage triode 27, which might possibly be construed as an operational amplifier.

Furthermore, Weber applied for its teaching of an operational amplifier does not show an operational amplifier connected between the output of the microphone unit and an off ground connection to an electret capacitor. Rather, the only capacitive connection to the operational amplifier 160 shown in Weber is to a ground connection.

The Court in In re Gurley (CA FC) 31 USPQ2d 1130 stated that:

A reference may be said to *teach away* when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be *led in a direction divergent* from the path that was taken by the applicant. The degree of teaching away will of course depend on the particular facts; in general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant. [emphasis added]

Thus, the teachings of Weber disclosing capacitive coupling of the operational amplifier to ground, rather than to the off-ground side of the electret capacitor, teach away from the present invention.

Popopoulos applied for its teaching of an inverting amplifier and the remaining art references have been considered by the Applicant. The Office Action identifies “PNP transistor 362” in Fig. 3B of Papopoulos as corresponding to “first transistor” in Claim 2 of the present application. However, Applicant traverses this position for the following reasons.

In the “first transistor” in Claim 2 of the present application, a second current electrode thereof is connected to the second electrode of the electret capacitor and a control electrode thereof is connected to the first electrode of the electret capacitor, thereby to serve as the transistor amplifier.

On the other hand, in PNP transistor 362 of Papopoulos, the base of PNP transistor 362 is connected to MIC DRAIN (corresponding to “first electrode of the electret capacitor”) and the collector of PNP transistor 362 is connected to the + input terminal of the operational amplifier 370. However, the emitter of PNP transistor 362 is not connected to MIC SOURCE (corresponding to “second electrode of the electret capacitor”). Rather, the emitter is connected to MIC DRAIN via PNP transistor 360, as with the base.

Applicant respectfully submits that the PNP transistor 362 having such a circuit configuration cannot have the function of transistor amplifier for amplifying output signal appearing between MIC SOURCE and MIC DRAIN of the electret capacitor.

Accordingly, even though Papopoulos is applied to Seligson, the invention defined in Claim 2 is not achieved, and thus the outstanding rejection under 35 USC § 103 to Claim 2 and the claims dependent from Claim 2 is improper.

Accordingly, for all the above-noted reasons, it is respectfully submitted that Claim 1 and the claims dependent therefrom patentably define over the applied prior art.

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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